IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

CRL.A.No. 421 of 2000()

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CC.81/1998 of JFCM-I, KOYILANDY

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APPELLANT: COMPLAINANT

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PRAKASAN, S/O.KELAPPAN
MUNDAKADATH KUNNIYIL
NATERI AMSOM DESOM
KOYILANDY.

BY ADV. SMT.K.V.BHADRA KUMARI

RESPONDENTS: ACCUSED

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1. T.M.KUMARAN, S/O.KUNHIRAMAN
   THALAKOTH MEETHAL HOUSE
   MOOLAD (P.O.), NEDUVANOOR.

2. STATE OF KERALA REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K.R.UDAYABHANU, J**

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Crl.A.No.421 of 2000

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Dated this the 29th day of June, 2007

**JUDGMENT**

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. The order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 1.8.2007.

The appeal is allowed.

**K.R.UDAYABHANU,**
**JUDGE**

csl